

PATENT
Docket No. 220002056723
Client Ref. 98-128-5

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV332777151US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 16, 2003

Signature:  (Carol M. Gruppi)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

H. Kirk HAMMOND et al.

Serial No.: 09/750,240

Filing Date: December 26, 2000

For: GENE THERAPY FOR CONGESTIVE
HEART FAILURE

Examiner: M. Wilson

Group Art Unit: 1632

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 AND § 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of documents were previously submitted in an Office Action directed to the related application Serial Number 09/472,667, filed December 27, 1999, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

10/23/2003 H0000019 031952 09750240

02 FC:1806 180.00 DA

This Information Disclosure Statement is submitted:

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

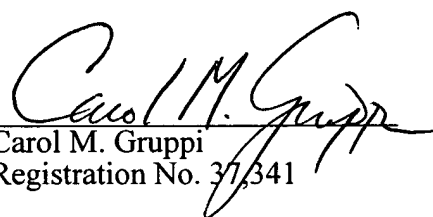
Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 220002056723. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 16, 2003

Respectfully submitted,

By: 
Carol M. Gruppi
Registration No. 37,341

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5777
Facsimile: (650) 494-0792

OCT 16 2003

PTO/SB/08 (2-92)

Sheet 1 of 1

Form PTO-1449

Docket Number 220002056723

Application Number 09/750,240

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Applicant

H. Kirk HAMMOND et al.

Filing Date December 26, 2000

Group Art Unit 1632

Mailing Date October 16, 2003

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	01/16/2002	6,174,871	Hammond et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	2.	Rana, B.K. et al. (2001). "Use of an <i>in Silico</i> Approach to Define the Gene Structure of Eukaryotic Adenylyl Cyclases," <i>Biochem & Biophys. Comms.</i> 285:152-157.
	3.	Rana, B.K. et al. (2001). "Genetic Models of Cardiovascular Function," <i>FASEB J.</i> 15(4):A482 (Abstract No's. 413.9-413.11)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.